

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 SHERRY L. LEDAKIS  
Deputy Attorney General  
4 State Bar No. 131767  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2078  
7 Facsimile: (619) 645-2061  
8 *Attorneys for Complainant*

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. *2012-12*

14 **PAUL THOMAS KARSTENS**  
15 **73-400 Ramon Road**  
16 **Thousand Palms, CA 92276**

**A C C U S A T I O N**

17 **Registered Nurse License No. 402375**

18 **Respondent.**

19 **Complainant alleges:**

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about August 31, 1986, the Board of Registered Nursing issued Registered  
25 Nurse License Number 402375 to Paul Thomas Karstens (Respondent). The Registered Nurse  
26 License was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on September 30, 2012, unless renewed.

28 ///

///

///

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) of the Code provides:

Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee.

After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

## STATUTORY VIOLATIONS

7. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

...

8. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

1 (a) Obtain or possess in violation of law, or prescribe, or except as directed by  
2 a licensed physician and surgeon, dentist, or podiatrist administer to himself or  
3 herself, or furnish or administer to another, any controlled substance as defined in  
4 Division 10 (commencing with Section 11000) of the Health and Safety Code or any  
5 dangerous drug or dangerous device as defined in Section 4022.

6 ...

### 7 COSTS

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
9 administrative law judge to direct a licentiate found to have committed a violation or violations of  
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
11 enforcement of the case.

### 12 FACTS

13 10. On or about April 11, 2010, while working the 7:00 p.m. to 7:00 a.m. shift as a  
14 registered nurse at John F. Kennedy Memorial Hospital, in Indio, California, Respondent was  
15 observed acting in an unusual and erratic manner. During his shift, Respondent was found on his  
16 hands and knees in a patient room and when another nurse entered the room he jumped to his feet  
17 and left the room. Respondent also hung tube feedings for his patients without flushing them  
18 first, mis-timed a patient's tube feeding so that it began too soon, picked up another nurse's IV  
19 antibiotic thinking it belonged to his patient, failed to administer medication he obtained from the  
20 Pyxis machine, and charted giving patients their medications on the next day's medication  
21 administration sheet. Furthermore, he was seen wandering into the wrong patient rooms and  
22 appeared lost. Due to his erratic behavior, Respondent was suspended from work pending an  
23 investigation. Soon thereafter Respondent was seen by a physician who cleared him to return to  
24 work.

25 11. On May 10-11, 2010 and while working the 7:00 p.m. to 7:00 a.m. shift, Respondent  
26 disappeared while on duty for over an hour. At approximately 10:00 p.m., Respondent was found  
27 sleeping in the nurses' lounge. He had not made arrangements to take his lunch break at this  
28 time, and he had not told anyone else he was taking his break. When he was awakened by staff  
he stood up, staggered and had incoherent speech. Respondent initially agreed to provide a urine  
sample for a drug screen but then refused and instead left the hospital. Before he left, Respondent

1 did not give a report to the staff taking over his patients. The staff was uncertain if patients had  
2 received any care from Respondent and all of his patients had to be rechecked and their records  
3 rechecked. A review of Respondent's charting revealed that he had not made any patient  
4 assessments, the medication administration record was changed from 9:00 p.m. to 12:00 a.m.  
5 when in reality no medications had been given at all. One of Respondent's patients had his IV  
6 heploded after he had attempted to give the patient a piggyback of IV medication but the IV  
7 tubing was hanging down on the floor without a cap on it. All of the IV tubing and bag had to be  
8 changed to provide for the sterile administration of the medication. Thereafter, Respondent was  
9 terminated from employment at John F. Kennedy Hospital.

10 12. Nine days later, on May 20, 2010, at about 9:47 p.m., a police officer noticed  
11 Respondent riding his bicycle without a front facing white light which is required while riding  
12 during a time of darkness.

13 13. The officer stopped Respondent and as he was talking to Respondent he noticed that  
14 Respondent's hands were shaking and he was sweating profusely. While patting Respondent  
15 down the officer felt a tubular like item inside of Respondent's front pants pocket. Respondent  
16 told the officer he did not know what the item was, but that it was okay to remove it from his  
17 pants. The officer removed the item which was a clear glass pipe used to ingest  
18 methamphetamine. While checking the pipe the officer noticed a white crystal like substance on  
19 the inside of the pipe which later tested positive for amphetamine. While speaking to Respondent,  
20 the officer noted that Respondent's pupils were dilated and that he had eyelid flutters. When  
21 asked if he had used methamphetamine, Respondent said, "I don't want to incriminate myself."  
22 At this point the officer suspected that Respondent was under the influence of a controlled  
23 substance and therefore took his pulse which was 135 beats per minute. Respondent was arrested  
24 and charged with possession of methamphetamine, being under the influence of a controlled  
25 substance, and being in possession of drug paraphernalia.

26 14. On September 21, 2010, in the Riverside County Superior Court of California, in  
27 *People of the State of California v. Paul T. Karstens*, in Case No. INF10011390, Respondent  
28 pleaded guilty to violating Health and Safety Code sections 11377(a) (possession of

1 methamphetamine), 11550(a) (being under the influence of a controlled substance) and 11364  
2 (possession of drug paraphernalia). Judgment was deferred pursuant to Penal Code section 1000  
3 for Respondent to complete a drug rehabilitation program.

4 **FIRST CAUSE FOR DISCIPLINE**

5 (Illegal Possession of Controlled Substances)

6 15. Respondent is subject to disciplinary action under Code section 2762(a) in that  
7 Respondent possessed amphetamine, a controlled substance as defined in Division 10  
8 (commencing with Section 11000) of the Health and Safety Code, as set forth above in  
9 paragraphs 12 through 14.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Unprofessional Conduct)

12 16. Respondent is subject to disciplinary action under Code section 2761(a) in that  
13 Respondent committed general unprofessional conduct on April 11-12, 2010, and May 10-11,  
14 2010 while working at John F. Kennedy Hospital, as forth above in paragraphs 10 and 14.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 402375, issued to Paul  
19 Thomas Karstens.

20 2. Ordering Paul Thomas Karstens to pay the Board of Registered Nursing the  
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
22 Professions Code section 125.3;

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: July 8, 2011

25 Louise R. Bailey  
26 LOUISE R. BAILEY, M.ED., RN  
27 Executive Officer  
28 Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant